

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

-----X  
ROSS BIERNICK,

Plaintiff(s),

- against -

WHITE CASTLE SYSTEM, INC. and  
WHITE CASTLE SYSTEM EMPLOYEES TRUST,

Defendants.  
-----X

Civil Action No.:  
08 - CV - 6768

**MANDATORY DISCLOSURE  
PURSUANT TO FEDERAL  
RULE OF CIVIL PROCEDURE 26(a)**

Defendant), WHITE CASTLE SYSTEM, INC., s/h/a WHITE CASTLE SYSTEM, INC.  
and WHITE CASTLE SYSTEM EMPLOYESS TRUST, by their attorneys, SOBEL &  
KELLY, P.C., pursuant to Federal Rule of Civil Procedure 26(a) makes the following  
disclosure:

(A) the name and, if known, the address and telephone number of each individual  
likely to have discoverable information relevant to disputed facts alleged with particularity  
in the pleadings, identifying the subjects of the information.

Upon information and belief, set forth below are the names, and if known the  
telephone numbers and addresses of each individual that the disclosing party may use to  
support its claims or defenses:

1. **NAMES OF WITNESSES:** Hemmerde Robinson, Sahadre Ramanne  
and Alecia Simpson; all are defendant's employees.

(B) A copy of, or a description by category and location of, all documents, data  
compilations, and tangible things in the possession, custody, or control of the party that are  
relevant to disputed facts alleged with particularity in the pleadings.

1. None currently in defendant's possession.

(C) A computation of any category of damages claimed by the disclosing party making available for inspection and copying as under Rule 34 the documents or other evidentiary material, not privileged or protected from disclosure, on which such computation is based, including materials bearing on the nature and extent of injuries suffered:

1. None.

(D) For inspection and copying as under Rule 34 any insurance agreement under which any person carrying on an insurance business may be liable to satisfy part or all of a judgment which may be entered in the action or to indemnify or reimburse for payments made to satisfy the judgment.

1. **Insurance:** Defendant(s) WHITE CASTLE SYTEM, INC. s/h/a WHITE CASTLE SYSTEM, INC. and WHITE CASTLE SYSTEM EMPLOYESS TRUST, is self-insured.
2. **Disclosure of Expert Witnesses/Testimony:** None retained to date, however, defendant reserves its right to retain an expert witness and make disclosure if and when said expert(s) have been retained.
3. **Pretrial disclosures** - At this time the defendant does not possess any additional information sufficient to respond to this portion sub paragraph 3 of Rule 26 which has not already been set forth herein.

Dated: Huntington, New York  
August 18, 2008



---

BY: Curtis Sobel (CS-0964)  
SOBEL & KELLY, P.C.  
Attorney for Defendants  
WHITE CASTLE MANAGEMENT CO.  
WHITE CASTLE SYSTEM, INC.  
464 New York Avenue Suite 100  
Huntington, New York 11743  
(631) 549-4677  
File No.: WC 10009-08

TO: DAVID KATZ & ASSOCIATES, L.L.P.  
Attorneys for Plaintiff  
ROSS BIERNICK  
116 East 16th Street, 6th Floor  
New York NY 10003  
(212) 228-2528

DECLARATION OF SERVICE BY MAIL

DECLARATION OF SERVICE BY MAIL

STATE OF NEW YORK )

SS:

COUNTY OF SUFFOLK )

LuANN DeSIMONE hereby declares, pursuant to 28 U.S.C., Section 1746 and Local Civil Rule 1.10 of this Court, that I am not a party to the action; I am over 18 years of age and reside at Middle Island, NY 11953

On August 20, 2008, I served the within **MANDATORY DISCLOSURE PURSUANT TO FEDERAL RULE OF CIVIL PROCEDURE 26(a)** by depositing a true copy of the same enclosed in a post-paid properly addressed wrapper, in an official depository under the exclusive care and custody of the United States Postal Service within the State of New York, addressed to each of the following persons at the last known address set forth after each name:

TO: DAVID KATZ & ASSOCIATES, L.L.P.  
116 East 16th Street, 6th Floor  
New York NY 10003

I declare under penalty of perjury that the foregoing is true and correct.

Executed on August 20, 2008

  
LuANN DeSIMONE